

1982 S.C. Op. Atty. Gen. 11 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-8, 1982 WL 154978

Office of the Attorney General

State of South Carolina

Opinion No. 82-8

March 2, 1982

*1 Honorable Richard W. Riley
Governor of South Carolina
Post Office Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

Mr. McLeod has referred the recent letter from your Office to me for reply. You have informed us that a member of the Board of Engineering Examiners was found guilty of contempt of court for jury tampering. You have inquired if this is a crime of moral turpitude.

The crime of contempt of court may or may not be a crime of moral turpitude. (October 16, 1979 Opinion of Mr. McLeod to Governor Riley.) However, in making a determination on whether or not an individual convicted for contempt of court was convicted of a crime of moral turpitude, it is necessary to look at the specific grounds for the conviction, i.e. jury tampering. Cf. In the [Matter of Holman](#), 277 S.C. 293, 286 S.E.2d 148 (1982).

In 1940 the South Carolina Supreme Court in the case of [Smith v. Smith](#), 194 S.C. 247, 9 S.E.2d 584 (1940), defined moral turpitude as

. . . an act of baseness, vileness, or depravity in the private and social duties that a man owes to his fellow man or to society in general, contrary to the accepted and customary rule of right and duty between man and man . . .

See also [State v. Horton](#), 271 S.C. 413, 248 S.E.2d 263 (1978). A decision on if a specific offense involves moral turpitude is not made by deciding if the offense is a felony or a misdemeanor or even a crime as an act may involve moral turpitude even if not a crime. 58 C.J.S. [Moral](#), p. 1203. The decision is based on if the offense is ‘. . . immoral in itself, without reference to any legal prohibition.’ 21 Am.Jur.2d [Criminal Law](#), Section 24.

It is the opinion of this Office that jury tampering is a crime of moral turpitude. Therefore, a person convicted of contempt of court due to jury tampering would have been convicted of a crime of moral turpitude.

Sincerely,

Treva G. Ashworth
Senior Assistant Attorney General

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